

## **REMARKS**

The Examiner is thanked for his time both on the phone and in person. It is believed that the below remarks and above amendments completely address the Examiner's concerns, define the present invention above all prior art, and place the present application in condition for allowance.

The drawings and specification are held objected based on various informalities. The Examiner is respectfully requested to either hold such rejections in abeyance until patentable subject matter is identified, or either to make the appropriate corrections via Examiner's amendment. Should the Examiner require a formal amendment, the Examiner is requested to call the Attorney for the Applicant and said formal amendments will be provided.

### ***Rejections Under 35 USC §102***

Claims 1-20 stand rejected under 35 USC §102 in view of *DiGiorgio*. As discussed on the phone and in person, *DiGiorgio* does not teach, show or suggest:

- A) A method of transferring a data element from a device to a handheld computer, including receiving from a device a device-based data element at a docking station having a co-processor, where the device coupled to the docking station, the device capable of generating a device based data element and capable of sending the device based data element to a low level device driver resident in a docking station, the low level driver also capable of communicating with the co-processor, and where the co-processor being operated by a second operating system, the second operating system having a top-level driver capable of capable of turning a device based data element into a bus-enabled data element as a driver conversion, managed by a communication driver, and also including placing the bus-enabled data element on a handheld compatible bus;

- B) A method of transferring a data element from a handheld computer to a device, including converting a handheld-enabled data element into a bus-enabled data element, receiving from a device a device-based data element at a docking station having a co-processor, where the device coupled to the docking station, the device capable of generating a device based data element and capable of sending the device based data element to a low level device driver resident in a docking station, the low level driver also capable of communicating with the co-processor, and where the co-processor being operated by a second operating system, the second operating system having a top-level driver capable of turning a device based data element into a bus-enabled data element as a driver conversion, managed by a communication driver, and also including placing the bus-enabled data element on a handheld compatible bus; or
- C) A method of transforming a data packet from a handheld computer packet type to a device packet type, including detecting an input packet having a packet identifier (ID), the input packet being a packet that is received by an intelligent docking station from a handheld device, retrieving the packet ID from the input packet, and dispatching the input packet to a device driver enabled based on the packet ID, the device driver capable of converting the input packet from a handheld computer packet type to a device packet type.

The Applicant respectfully asserts that a *prima facie* showing of anticipation is not made by *DiGiorgio*, particularly in regard to claim 17 (*DiGiorgio* never even mentions a packet identifier or an equivalent, or dispatching a packet to a device driver or equivalent, for example), and that the applicant has amended claims solely to speed the application to allowance. Accordingly, *DiGiorgio* does not teach the invention as arranged as in the claims, and should be withdrawn as a reference under 35 USC §102.

Should the Examiner maintain that additional inquiry is necessary, the Examiner is

requested to fully establish a prima facie case of anticipation or non-obviousness ("the Examiner further bears the burden to first show a correct interpretation, including the scope and meaning, of each contested limitation"). *Gechter v. Davidson*, 116 F.3d 1454 (Fed. Cir. 1997). This is required, in part, so that the Applicant can ascertain whether or not the Examiner understands the invention, and so that the Applicant can frame a response. 37 CFR 1.106(b). See also *Dewey & Almy Chem. Co. v. Mimex Co.*, 124 F.2d 986, 989 (2d Cir. 1942).

If the examination at the initial stage does not produce a prima facie case of unpatentability, then without more the applicant is entitled to a grant of the patent. *In re Oetiker*, 977 F.2d 1443 (Fed. Cir. 1992). Accordingly, the Examiner is respectfully requested to withdraw all rejections based on 35 USC §102, and to allow the case to proceed to Allowance.

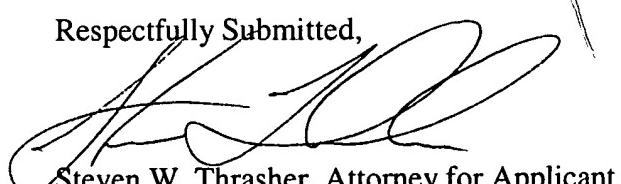
***In the Event Arguments are Believed Insufficient***

Should the Examiner disagree that the remarks place the application in condition for allowance, then the Examiner is respectfully requested to prepare an acceptable proposed set of claims pursuant to MPEP 707.07 (j).

Thus, it is believed that the pending claims are allowable, and allowance of said claims is respectfully requested. Other references made of record but not relied upon in the Office Action are considered no more relevant to the invention than the reference relied upon by the Examiner.

If the Examiner has other matters which remain, the Examiner is encouraged to contact the under signed attorney to resolve these matters by Examiners Amendment where possible.

Respectfully Submitted,



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